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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

March 29, 2020

Zachary Kweller, Esq.
Farber & Company
333 Hegenberger Road, Suite 504
Oakland, CA 94621

RECEIVED
APR 06 2020
Pacific Workers'

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731
Claim No: 040519008736

Dear Mr. Kweller:

I am sending the attached correspondence to the QME regarding the Temporary Disability dispute.

If you should receive his report before I do, please forward a copy to me to avoid any further delays.

Kindest Regards,

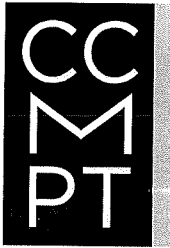
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY:


AMY OLSON

AEO/mg

cc: Mario Castro/Chubb Group of Insurance Companies (Via Email Only)



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ORANGE COUNTY LOS ANGELES SAN FRANCISCO SACRAMENTO FRESNO

March 29, 2020

Dr. Adam Stoller
1900 O'Farrell Street, Suite 190
San Mateo, CA 94403

Re: **Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC**

WCAB No: ADJ12031731
Claim No: 040519008736

Dear Dr. Stoller:

Thank you for your assistance in the above-referenced claim. I am requesting clarification on your opinion regarding Maximum Medical Improvement. You indicated that further diagnostics were necessary to determine whether any further treatment was indicated.

You stated that once the diagnostic workup is completed, and the appropriate treatment is offered, he should be examined for Permanent & Stationary status.

Do you agree that if the diagnostics do not indicate a need for further treatment, that Applicant is at Maximum Medical Improvement in accordance with Dr. Lang's May 28, 2019 report?

Furthermore, should Applicant decline any further treatment, do you agree that he would be at Maximum Medical Improvement as of May 28, 2019?

Kindest Regards,

COLANTONI, COLLINS, MARREN, PHILLIPS & TULK, LLP

BY: 
AMY OLSON

AEO/mg

cc: Mario Castro/Chubb Group of Insurance Companies (Via Email Only)
Iana Zadneprovskaja, Esq./Farber & Company

1 AMY OLSON, SBN: 286524
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7
8 Counsels for Defendant
9 administered by
10 Chubb Indemnity Insurance Company

11
12 **WORKERS' COMPENSATION APPEALS BOARD**
13 **STATE OF CALIFORNIA**

14 JONATHAN SHOCKLEY,

15 Applicant,

16 vs.

17 BIOTELEMETRY, INC. DBA CARDIONET,
18 LLC; administered by CHUBB INDEMNITY
19 INSURANCE COMPANY,

20 Defendant.

WCAB No.: ADJ12031731

21 **DEFENDANT'S OBJECTION TO**
22 **DECLARATION OF READINESS TO**
23 **PROCEED FILED BY APPLICANT'S**
24 **COUNSEL**

25 **COMES NOW** defendant, Biotelemetry Inc, DBA Cardionet, LLC, through their counsel of
26 record, Colantoni, Collins, Marren, Phillips & Tulk, LLP, and hereby objects to Applicant's counsel
27 Declaration of Readiness to Proceed.

28 Defendant is in receipt of a Notice of Hearing dated March 27, 2020.

Defendant has yet to receive a copy of the Declaration of Readiness to Proceed, but based on
recent discussions with Applicant's counsel, the hearing was requested to address Applicant's demand
for Temporary Disability.

Defendant is currently requesting clarification from the QME regarding Applicant's Temporary
Disability periods, by way of supplemental report. Defendant does not anticipate a response from the
QME prior to the April 17, 2020 hearing.

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1 Wherefore defendant respectfully requests that the matter be taken off calendar until discovery
2 on the issue has been completed.
3

4 Dated: March 29, 2020

Respectfully submitted,
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK,
LLP

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7 BY: 
8 Amy Olson
Counsel for Defendant

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VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

Re: Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC
WCAB No: ADJ12031731

I have read the foregoing **DEFENDANT'S OBJECTION TO DECLARATION OF READINESS TO PROCEED FILED BY APPLICANT'S ATTORNEY** and know its contents.

☐ CHECK APPLICABLE PARAGRAPH

- ☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☐ I am ☐ an officer ☐ a partner ☐ a Click here to enter text. of a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for and on behalf of that party for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☒ I am one of the attorneys for Jonathan Shockley v. Biotelemetry, Inc. dba Cardionet, LLC; administered by Chubb Indemnity Insurance, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on March 30, 2019 at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Amy E. Olson



Sign Name

COLANTONI COLLINS LADERA RANCH
SECRET MARQUEZ
855-396-1220 124
MAIL-LR@CCMPT.COM

PROOF OF SERVICE BY MAIL
JONATHAN SHOCKLEY v. BIOTELEMETRY, INC. DBA CARDIONET, LLC
WCAB NO. ADJ12031731

I, Maria Garcia, declare as follows:

I am over the age of 18 years, and not party to this action. My business address is 555 Corporate Drive, Suite 205, Ladera Ranch, CA 92694, which is located in the county where the mailing described took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On, **April 1, 2020**, at my place of business at San Francisco, California, a copy of the following documents:

- **DEFENDANT'S OBJECTION TO DECLARATION OF READINESS TO PROCEED
FILED BY APPLICANT'S ATTORNEY DATED 03/29/2020.**

were placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid, addressed to:

Workers' Compensation Appeals Board
1515 Clay Street, 6th Floor
Oakland, CA 94612-1519
[E-FILED]

Via Email Only

Mario Castro
Chubb Group of Insurance Companies
PO Box 42065
Phoenix, AZ 85080

Iana Zadneprovskaya, Esq.
Farber & Company
333 Hegenberger Road, Suite 504
Oakland, CA 94621

Jonathan Shockley
1000 Sutter St, #123
San Francisco, CA 94109

///

1 Employment Development Department
2 P.O. Box 1857
3 Oakland, CA 94604

4 and that envelope was placed for collection and mailing on that date following ordinary business
5 practices.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct. Executed on **April 1, 2020**.

8
9 By: 
10 Maria Garcia
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